

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

SEPTEMBER 2, 2009

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL

Councilmembers present: McCoy, King, Rose
Mayor present: Janney
Mayor Pro Tem present: Bragg

Staff present: City Manager Brown; City Attorney Lough;
City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

In response to City Manager Brown's request to remove Item No. 6.1 from the agenda, City Council consensus was to keep the item on the agenda.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/ REPORTS ON ASSIGNMENTS AND COMMITTEES

COUNCILMEMBER MCCOY recognized Serge Dedina, Executive Director of Wildcoast, for being named one of the 2009 Coastal Heroes by *Sunset* magazine and the California Coastal Commission; she gave a status report on the secondary treatment waiver under section 301(h) of the Clean Water Act; she expressed concern about the City of San Diego not conferring with the small cities who make up 35% of the joint powers authority agreement.

COUNCILMEMBER KING announced a celebration for the Chula Vista Park View All-Stars, winners of the Little League World Series.

MAYOR JANNEY asked staff to prepare a proclamation in honor of the Park View Little League All-Stars; and he reported on a tour he took of the brand new sewage treatment plant in Tijuana.

COMMUNICATIONS FROM CITY STAFF

Discussion ensued regarding the member cities of the Metro Wastewater JPA and the need for approval of the waiver.

PUBLIC COMMENT

ALBERT KNECHT, representing Imperial Beach Chapter of the Community Commission for Better Government, stated that staff has not responded to his previous concerns raised regarding the demolition of the former North Island Credit Union building; he requested that the asbestos and inspector reports be made available to himself and the public; he also requested contact information for the staff person who will be overseeing the demolition of the shopping center at Palm Ave. and 9th Street.

ORDINANCES/PRESENTATIONS (1.1)

1.1 PRESENTATION OF PROCLAMATION IN HONOR OF NATIONAL PREPAREDNESS MONTH. (0410-30)

MAYOR JANNEY presented the proclamation in honor of National Preparedness Month to Public Safety Director Sotelo.

Discussion ensued regarding protection against the H1N1 virus.

CONSENT CALENDAR (2.1 - 2.5)

COUNCILMEMBER ROSE had a remote interest on Item No. 2.5 and therefore disqualified herself from voting on the item.

MOTION BY MCCOY, SECOND BY BRAGG, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED UNANIMOUSLY.

WITH REGARD TO ITEM NO. 2.5, MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, KING, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	ROSE (DUE TO A REMOTE CONFLICT OF INTEREST)

2.1 MINUTES.

Approved the minutes of the regular City Council Meeting of July 15, 2009.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 69322 through 69419 with the subtotal amount of \$447,871.14; and Payroll Checks 41528 through 41588 for the pay period ending 08/13/09 with the subtotal amount of \$172,904.05; for a total amount of \$620,775.19.

2.3 RATIFICATION OF LETTERS OF SUPPORT – AMERICAN RECOVERY AND REINVESTMENT ACT: TIGER DISCRETIONARY GRANT PROGRAM SUBMITTALS. (0140-40)

Ratified letters of support to the Department of Transportation, dated August 4, 2009.

2.4 RATIFICATION OF LETTERS OF SUPPORT – SANDAG SUPPORT FOR CALTRANS DIVISION OF RAIL GRANT APPLICATION FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT AND HIGH SPEED AND INTERCITY PASSENGER RAIL FUNDS FOR THE PACIFIC SURFLINER CORRIDOR. (0140-40)

Ratified letter of support to Caltrans, dated August 3, 2009.

2.5 RESOLUTION NO. 2009-6802 – SALE OF SURPLUS PROPERTY AND APPROVAL OF USED EQUIPMENT DONATION AGREEMENT WITH CAMP SURF. (0130-70 & 0380-45)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1 - 5.3)

5.1 RESOLUTION NO. 2009-6803 – APPROVAL OF THE FISCAL YEAR 2008-09 ANNUAL REPORT FOR THE JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLAN (JURMP). (0770-65)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

MAYOR JANNEY closed the public hearing.

MOTION BY MCCOY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2009-6803 – APPROVING THE FISCAL YEAR 2008-09 ANNUAL REPORT FOR THE JURMP INCLUDING CORRECTIONS, ADDITIONS OR DELETIONS AS DIRECTED. MOTION CARRIED UNANIMOUSLY.

5.2 RESOLUTION NO. 2009-6800 – DESIGN REVIEW (DRC 080009), SITE PLAN REVIEW (SPR 080010), MITIGATED NEGATIVE DECLARATION, AND CALIFORNIA COASTAL DEVELOPMENT PERMIT (CDP 6-09-030) FOR THE EXPANSION OF THE PUBLIC WORKS YARD LOCATED AT 495 10TH STREET IN THE PUBLIC FACILITY (PF) ZONE. MF 950. (0910-30)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item.

MAYOR JANNEY closed the public hearing.

MOTION BY KING, SECOND BY ROSE, TO ADOPT RESOLUTION NO. 2009-6800 – APPROVING DESIGN REVIEW (DRC 080009) AND SITE PLAN REVIEW (SPR 080010), AND MITIGATED NEGATIVE DECLARATION (SCH# 2009071093) FOR THE EXPANSION OF THE PUBLIC WORKS YARD (MF 950), WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

In response to Mayor Janney's concerns about lack of funding, CITY MANAGER BROWN stated that Public Works Director Levien is looking into grant funding opportunities to move the project along.

5.3 RESOLUTION NO. 2009-6799 – ADOPTION OF THE 2005-2010 IMPERIAL BEACH HOUSING ELEMENT (GPA 04-01) AND ITS NEGATIVE DECLARATION. MF 692. (0660-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the item.

City Council expressed their pleasure with the Housing Element being completed since it will allow IB to become more competitive for Smart Growth funds; they requested the next housing element include the mixed use development located at the 100 block of Palm Ave.

BRIAN JONES questioned the amount of money available from SANDAG.

Discussion ensued regarding the type and typical amount of funds available; and the ability to now compete competitively for funds.

MAYOR JANNEY closed the public hearing.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2009-6799 – AMENDING THE GENERAL PLAN/LOCAL COASTAL PROGRAM (GPA 04-01) BY ADOPTING THE 2005-2010 IMPERIAL BEACH HOUSING ELEMENT AND ADOPTING ITS NEGATIVE DECLARATION. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1 - 6.4)

6.1 SEACOAST INN UPDATE. (0660-43)

MAYOR PRO TEM BRAGG announced she had an indirect conflict of interest on the item due to the location of her place of employment and left Council Chambers at 7:10 p.m.

MAYOR JANNEY announced Pacifica was not in attendance tonight to give an update on the Seacoast Inn; he spoke about a disappointing meeting he and Councilmember McCoy had with the owner; he also spoke about a letter he submitted to the community about the meeting held.

COUNCILMEMBER MCCOY concurred with the comments made by Mayor Janney.

CITY MANAGER BROWN stated staff has been exploring other financing options since Mayor Janney's meeting with Pacifica.

COUNCILMEMBER MCCOY stated the City and community went above and beyond to accomplish what they have, especially the near unanimous vote of approval by the Coastal Commission of the project is a rare accomplishment.

COUNCILMEMBER KING spoke about the community's disappointment with the lack of progress in the development of the hotel, he encouraged staff to take a good look at the poor condition of the current hotel; and expressed surprise that with the quality plans that were submitted for the new hotel that the owners would back away from the project at this juncture.

MAYOR PRO TEM BRAGG returned to Council Chambers at 7:26 p.m.

6.2 RESOLUTION NO. 2009-6804 – ELECTING EXEMPTION FROM STATE CONGESTION MANAGEMENT PROGRAM (CMP) – “OPT OUT” OPTION. (0140-40)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2009-6804 – ELECTING EXEMPTION FROM STATE CONGESTION MANAGEMENT PROGRAM (CMP) – CMP “OPT OUT” OPTION. MOTION CARRIED UNANIMOUSLY.

6.3 ECO BIKEWAY AT PALM AND 7TH TO SEACOAST PROJECT CIP S05-104; CHANGE ORDER NUMBER 4 AND BUDGET AMENDMENT. (0680-20 & 0750-90)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the project; currently there are no funds for the construction of the project but will seek a grant that will be submitted no later than December 1, 2009.

BRIAN JONES expressed concern about traffic routes and impacts.

COUNCILMEMBER KING expressed concern about traffic on Palm Ave. and traffic impacts on neighboring streets.

MAYOR PRO TEM BRAGG spoke in opposition to the project and expressed concern about the cost.

COUNCILMEMBER MCCOY spoke in support of the project, and in support of applying for a grant.

PUBLIC WORKS DIRECTOR LEVIEN stated that routes were identified with the recently adopted BTP; he reviewed the different routes that run east to west.

COUNCILMEMBER ROSE gave a historical perspective; she commented that with the failing of the bike spur, 7th Street provides the closest access to the Bayshore Bike Path; she commented

the project will work well with the project at 13th Street and sees it is an economic stimulus by bringing people into Imperial Beach.

City Council discussion ensued regarding potentially the need to apply for funding that is due at the end of September; and moving forward with the additional funding for purposes of applying for the grant.

MOTION BY ROSE, SECOND BY MCCOY , TO ADOPT RESOLUTION NO. R-09-192 – AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 4 TO KOA CORPORATION CONTRACT FOR THE ADDITIONAL COST OF \$22,325.50 (NEW TOTAL CONTRACT COST OF \$324,379.50) AND TO ADOPT RESOLUTION NO. R-09-193 – AUTHORIZING THE TOTAL BUDGET FOR THE ECO BIKEWAY AT PALM AND 7TH TO SEACOAST CIP S05-104 AT \$405,000 (A BUDGET INCREASE OF \$45,000 FROM THE RDA TAX INCREMENT – NON-HOUSING FUND). MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	MCCOY, ROSE, JANNEY
NOES:	COUNCILMEMBERS:	KING, BRAGG
ABSENT:	COUNCILMEMBERS:	NONE

COUNCILMEMBER KING stated that he is not in opposition to the bicycle component but rather the transportation portion.

MAYOR JANNEY called a recess at 7:51 p.m. and reconvened the meeting to opens session at 7:58 p.m.

6.4 RESOLUTION NO. R-09-191 – PROPOSED DRAFT EXCLUSIVE NEGOTIATION AGREEMENT WITH SUDBERRY PROPERTIES, INC. (0640-10)

COUNCILMEMBER KING announced he may have a conflict of interest on the item and left Council Chambers at 7:51 p.m.

The following items were submitted as Last Minute Agenda Information:

- Revised draft Exclusive Negotiation Agreement with site map (Exhibit A)
- Site plan
- Elevations
- Cross sections
- PowerPoint presentation presented by Sudberry at August 26, 2009 Community Workshop
- Letter from Jeffrey Rasak of Imperial Beach Promenade, LLC/Sterling Development Corp., dated August 27, 2009
- Email correspondence from Jeffrey Rasak, dated September 2, 2009

CITY MANAGER BROWN introduced the item; he noted a community workshop was held last week.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item; he reviewed the proposed changes to the ENA and he announced the next workshop is scheduled for September 30; he anticipates the project's completion by 2012.

City Council expressed a desire for completion prior to 2012.

TRAVIS BRAZIL indicated support for the project, did not wish to speak.

BRIAN JONES stated that he attended the recent workshop; he thanked staff for collecting names and e-mail addresses for communicating with the community; he stated there was a misunderstanding by Mr. Rasak; he spoke positively about Sudberry representatives and their dealings with the public; and he spoke in support of the item.

MOTION BY JANNEY, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. R-09-191, WHICH AUTHORIZES THE CITY MANAGER/EXECUTIVE DIRECTOR TO ENTER INTO AN EXCLUSIVE NEGOTIATION AGREEMENT WITH SUDBERRY PROPERTIES, INC. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:24 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk